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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) YOR9-2000-0671US1 (8728-451)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>July 12, 2006</u> Signature <u>[Signature]</u> Typed or printed name <u>Nathaniel T. Wallace</u>		Application Number 09/808,211	Filed March 14, 2001
		First Named Inventor Thomas D. Erickson	
		Art Unit 2143	Examiner PWU, Jeffrey C.
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the			
<input type="checkbox"/> applicant/inventor.		<u>[Signature]</u> Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Nathaniel T. Wallace Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. 48,909 Registration number _____		516-692-8888 Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		July 12, 2006 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Erickson et al. EXAMINER: Pwu, Jeffrey C.
SERIAL NO.: 09/808,211 GROUP ART UNIT: 2143
FILED: March 14, 2001 DOCKET: YOR920000671US1 (8728-451)
FOR: **SYSTEM AND METHOD FOR A DISTRIBUTED SOCIAL PROXY**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Examiner:

In response to the Advisory Action dated June 19, 2006, Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal and a Pre-Appeal Brief Request For Review Form (PTO/SB/33).

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Dated: July 12, 2006


Nathaniel T. Wallace

REMARKS

Please consider the following reasons for this Pre-Appeal Brief Request For Review.

Claims 1, 3-20 and 22 are pending and stand rejected in the above-referenced application. Reconsideration of the rejection is respectfully requested in view of the remarks.

Claims 1, 12, and 19 are the pending independent claims. Only objections and rejections pertinent to Claims 1, 12, and 19 are addressed here.

Claims 1, 3-11, 19, 20, and 22 have been rejected under 35 U.S.C. 101, wherein the Examiner stated essentially that the claimed invention is directed to non-statutory subject matter. Referring to claims 1, 3-11, 19, 20, and 22.

Referring to claims 1 and 19; In claim 1, a tangible link is displayed representing an association between an element of a first perspective and at least one element of a second perspective, wherein each element of the second perspective is an abstract graphical display of a corresponding predefined characteristic of the user activity within the environment. Claim 19 includes substantially similar limitations. The tangible link is a reduction of data associating two perspectives of an environment; a tangible link as claimed would reveal an association not recognizable from two environments individually. The tangible link is displayed/represented between a first perspective and a second perspective of an activity map. Clearly then, claims 1 and 19 of the present application are directed to more than an abstract idea (an abstract idea is typically described as a mathematical algorithm without application). Therefore, the tangible link is believed to be a useful, tangible and concrete result of the application of the claimed limitations.

Therefore, there are clear errors in rejections under 35 USC 101. Reconsideration of the rejection is respectfully requested.

Claims 1, 3-20 and 22 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner stated essentially that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The test for sufficiency of support in a parent application is whether the disclosure of the application relied upon reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter.

Referring to claims 1, 12, and 19, the Examiner stated essentially that the disclosure lacks clear written description of specific user activities and their relationship to the environment. User activity within an environment is well established in the specification and further in U.S. Patent No. 6,944,655, incorporate by reference. For example, see page 8, lines 13-21 and page 9, lines 10-18, wherein among other things, user activity can be measured according to when a user last performed a given act such as switching to a new topic in a chat application or performing a financial transaction. Environments are well described, among other places, at page 8, lines 13-19. Thus, the disclosure of the application relied upon is believed to reasonably convey to the artisan that the inventor had possession at that time of the later claimed subject matter.

Therefore, there are clear errors in rejections under 35 U.S.C. 112, first paragraph. Reconsideration of the rejection is respectfully requested.

Claims 1, 3-20, and 22 have been rejected under 35 USC 102(e) as being anticipated by Eick et al. (U.S. Patent No. 6,154,212). The Examiner stated essentially that Eick teaches all the limitations of claims 1, 3-20, and 22.

Claim 1 claims, *inter alia*, “displaying a tangible link representing an association between the element of the first perspective and at least one element of a second perspective, wherein each element of the second perspective is an abstract graphical display of a corresponding predefined characteristic of the user activity within the environment.” Claim 12 claims, “representing the aspect in an activity map including at least two perspectives; representing an activity of a user within the environment; and representing the activity of the user as a tangible link between each perspective.” Claim 19 claims, *inter alia*, “displaying at least one different aspect of user activity in each of at least two perspectives of an activity map, wherein the perspectives are associated by the user activity of a market participant, wherein an association between perspectives is represented as a tangible link connecting perspectives, wherein the tangible link is a line linking aspects of the user activity of the market participant represented separately in the at least two associated perspectives of the activity map.”

Eick teaches a network interface including a network view (see Abstract). Eick does not teach “displaying a tangible link representing an association between the element of the first perspective and at least one element of a second perspective” as claimed in claim 1, “representing the activity of the user as a tangible link between each perspective” as claimed in claim 12 or “displaying at least one different aspect of user activity in each of at least two perspectives of an activity map, wherein the perspectives are associated by the user activity of a market participant, wherein an association between perspectives is represented as a tangible link connecting perspectives” as claimed in claim 19. Eick teaches a geographic view of network

traffic. Eick does not teach a tangible link representing an association between elements of two perspectives, or a tangible link between perspectives. In Figure 1, Eick shows a geographic perspective – no other perspective is shown. Further, as shown in Figure 5 of Eick, even assuming arguendo, that the different geographic views are different perspectives, nowhere does Eick teach a tangible link between any views. Each view is treated entirely separate; no link between these views is taught. Therefore, Eick fails to teach a tangible link between perspectives, essentially as claimed in claims 1, 12 and 19.

Therefore, there are clear errors in rejections based on Eick. Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the present application, including claims 1, 3-20 and 22, is believed to be in condition for allowance. Early and favorable action is respectfully urged.

Respectfully submitted,

By:



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